

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 March 2000

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Tori Lancaster, employee in the Water Resources Department, who served as courier for the meeting.

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The Mayor explained Council procedure for conduct of the meeting.

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Pam Spence, Guilford County Department of Public Health and the Local Coordinator for Governor Hunt's *Clean NC 2000* Campaign, spoke to the local and City participation in this important clean-up effort, reviewed the calendar of events scheduled, and detailed the aggressive statewide campaign designed to remove litter from streams, lakes, rivers and highways during 2000 and educate citizens on the importance of recycling and litter prevention. Ms. Spence encouraged all Greensboro citizens to participate in these activities to make our State, County and City healthier and cleaner.

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The Mayor stated this was the time and place set for a public hearing regarding the possible creation of a Police Citizen Review Board. He briefly reviewed the process that preceded this public hearing, including the creation by Council of a Task Force to study this issue and make recommendations; he added that the Task Force was instructed, if a Board were recommended, to include recommended powers and authorities. The Mayor noted that ample opportunities had been provided for public input; he outlined the procedure to be followed for this public hearing and stated that because of the large number of citizens present who wished to speak to this issue, he would request that citizens representing both views of this issue should meet briefly and select speakers to represent both sides of the issue.

After some members of Council offered personal comments about the importance of receiving citizen input about this issue and the appropriate amount of time to allow for the public hearing, Councilmember Carmany moved that the public hearing be limited to thirty minutes per side. The motion was seconded by Councilmember Jones; the motion was adopted on a 6-3 voice vote of Council.

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The Mayor declared a recess at 6:25 p.m. to allow citizens to select speakers to represent each side of this issue.

The meeting re-convened at 6:30 p.m. with all members of Council present.

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In order to advise interested citizens of Council's intent with respect to Item # 7 on the agenda, the Mayor stated that this meeting was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances to add a new subsection to Historic District provisions pertaining to demolition by neglect of historic landmarks and structures within the Historic Overlay Districts which had been continued from the February 15, 2000 meeting of Council. After the Mayor stated that City staff had requested that this item be continued, the Manager advised staff had made extensive efforts to notify interested citizens of this request for continuance.

Councilmember N. Vaughan moved that this ordinance be continued to the May 16, 2000 meeting of Council without further advertising. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

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Mazie Butler Ferguson, residing at 1000 Ross Avenue, expressed strong concern with the time restrictions imposed on speakers to the issue of a Review Board, the format for discussion of the Task Force report at a Council Briefing, and the fact that prior public hearings on this issue had not involved the City Council.

After brief discussion, Councilmember Phillips moved that a five-minute rebuttal time period be allowed for each side and that the Clerk be instructed to reset the clock because Rev. Ferguson's remarks were procedural in nature. The motion was seconded by Councilmember Carmany and adopted on a 7-2 voice vote of Council.

The following individuals spoke in favor of a Police Citizen Review Board:

Ms. Ferguson stated she believed this hearing was insufficient because the issue needed long consideration; she requested that Council listen carefully to the speakers' complaints and not make this a political issue.

Rachel Snipes, residing at 704F West Florida Street, provided her account of a personal incidence involving Police response and inappropriate actions; she stated she believed this incidence had jeopardized her status as a resident of the Greensboro Housing Authority. In response to Council inquiries, Ms. Snipes advised she had not filed a complaint and could not provide specific information about those Police officers.

Suzanne Plihcik, residing at 2901 St. Regis Road and a member of the Undoing Racism Group, spoke to the makeup and work of this organization. She urged Council's support of the Task Force recommendations for a review board to establish community confidence and trust; she stated she believed the authority to compel appearances, additional support staff and resources, etc., were necessary to ensure the effectiveness of the Board.

Melvin "Skip" Alston, residing at 2820 Dulaire Road, spoke in favor of a Review Board with subpoena power, stated the creation of a Review Board would not negatively impact good Police officers, and detailed his opinion of the perception and distrust in the community. He requested Council to continue a decision on this matter to allow additional time for citizens' input.

Nelson N. Johnson, residing at 2115 Murrayhill Road, spoke in support of a high-quality citizen review board with subpoena power guided by community standards. He stated that, in his opinion, the board would help protect justice and ensure the accountability of Police officers. Mr. Johnson requested that Council delay a decision with regard to this important community issue to allow more discussion and citizen input.

Richard Koritz, residing at 1801 Murrayhill Road, spoke in favor of the task force report and a well-publicized review board directly accessible to citizens with community standards and subpoena powers. Having served as Chair of the Review Committee under the Human Relations Commission, he answered Council's questions about its work; i.e., number of hearings conducted, disposition of complaints, and his personal opinion of the existing review board process. Responding to the Mayor's inquiry, he stated that information requested by the current board from the Police Department was received unless protected by personnel laws.

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Because a number of citizens had not had the opportunity to speak to this matter, Councilmember Burroughs-White moved that ten additional minutes be allowed for each side of the issue to speak. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

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Clarence Todman, residing at 1202 Grove Street, voiced his concern with the Council procedure used for this public hearing and the time restrictions in place. Stating that the existing review board and process used for complaints against the police did not meet the needs of the community, he requested Council to create a review board with investigative and subpoena powers; he suggested that the board be located at a neutral site. Mr. Todman also requested Council to delay a decision on this issue to allow time for additional citizens' discussion and input.

Timothy X, no address given, spoke to some criminal activity of some law enforcement agency employees and stated he believed the Council could simplify the process for citizens to file complaints against police.

Charles L. Richman, residing at 5244 Creed Drive, cited statistical information related to criminal activity and police response.

The following individuals spoke in opposition to the creation of a Police Citizen Review Board:

Eddy Summers, Greensboro Police officer and President of the Greensboro Police Officers Association, spoke to the professional manner in which police officers performed their duties and took seriously their oath to uphold existing laws; advised of Police procedures/training in place to be used to address various routine and non-routine situations; stated the existing internal investigative process made decisions based on facts, not emotion; and emphasized that Police officers feared being judged by untrained individuals using community standards. He cited documented problems related to a citizens' police review board, stated only a small segment of the Greensboro community supported this type of board, and advised citizens could use available information to learn how to file complaints against Police.

Police Officer A. Moos, 300 West Washington Street, detailed the life and duties of a Greensboro Police officer; spoke to the extensive daily monitoring of all Police officers; noted officers were required to make decisions instantly and often in a poor environment; and stated that officers were trained to investigate and address all situations and enforce existing laws. She stated that, in her opinion, Police officers should not be judged by unqualified citizens who have no expertise with existing laws and Police duties, but by qualified, active law enforcement officers. Officer Moos encouraged members of Council and Greensboro citizens to participate in the Department's Ride Along program to personally witness the duties of Police officers.

Bob Winslow, residing at 507 Willoughby Boulevard and a member of the Task Force, stated that in his opinion, the existing review board was sufficient and more strict than a citizens review committee; he also emphasized that many issues and concerns being discussed in this arena were Human Relations issues and not specific to the Police Department. Mr. Winslow spoke to the extensive review process undertaken by the group and the public hearings held to allow citizen participation and receive citizen input, detailed reports of the shortcomings of citizens' review boards in other cities, expressed concern with respect to community standards and provided statistical information related to Greensboro Police Department complaints and disposition.

Glen Trent, residing at 208 East Sheraton Park Road, stated he was undecided about the creation of a review board. He expressed concern about the current review board and its lack of resources, availability to citizens, etc.; Mr. Trent also expressed his thoughts about the Task Force report, the perception of Police by some citizens, and the need to protect Police by ensuring the complaint system was used appropriately.

Ed Whitfield, residing at 709 Park Avenue, requested Council to delay a decision and allow additional input from citizens and clarification for Police and citizens. He offered his thoughts with respect to the need for a citizens police review board, the appropriate makeup of the board, the perception of Police by certain citizens, and concern about relationship between citizens and Police officers. Mr. Whitfield stated it was important for the entire City to oversee the police department.

Terrence Mohammed, no address given, spoke in opposition to a review board.

After the time allotted for speakers on both sides of this issued had expired, Councilmember Perkins moved that the public hearing with regard to the possible creation of a police Citizen Review Board be closed. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Stating that she believed a decision on a Board should be postponed in order to provide the community with an opportunity to review and have further dialogue, Councilmember Burroughs-White moved that this matter be postponed for 90 days. The motion was seconded by Councilmember Johnson.

Some members of Council discussed with John Shaw, Human Relations Department Director, and Chief Robert White, Greensboro Police Department, statistical information with regard to Police responses to citizens' calls, the number of complaints filed against the Police in recent years and disposition of the complaints. Chief White advised Greensboro had the lowest percentage of complaints vs. calls of any department this size, and noted the reluctance of some citizens to file complaints. Council briefly discussed with Chief White various details about the operation of the Police Department.

Council discussed individual opinions and concerns with respect to the creation of a Review Board and offered various perceptions of its purpose, fairness and need; they also discussed the rationale for considering a delay in their decision. Some members of Council expressed the opinion that delaying a decision would provide an opportunity for better understanding between proponents and Police as well as time for additional discussion, citizen input and possible community meetings to educate the public. Other thoughts were offered that the issue before Council was about how people treat each other and if the existing board remained in place, significant enhancements to provide more publicity about the process and an alternate complaint-filing process must be forthcoming. Speaking to the history of Council's consideration of a review board and emphasizing that an opportunity for dialogue and citizen input had been provided, Councilmember Carmany stated that she believed this issue should be brought to closure and could not vote to continue this issue.

Councilmembers Perkins, Jones and Burroughs-White requested additional information from the Manager and staff; i.e., strategy to improve publicity about the existing review board under the Human Relations Commission; options to expand the process by which citizens can report complaints about Police;

additional facts regarding the impact of Review Boards with subpoena power, including results, treatment of Police, morale problems in Police Departments, confidence building in the community, etc.; and suggested ways for dialogue to ensure this issue was identified as a total community problem.

Councilmember Burroughs-White's motion to continue this matter to the June 6 Council meeting was thereupon adopted on an 8-1 voice vote of Council.

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The Mayor declared a recess at 8:40 p.m.

The meeting reconvened at 8:53 with all members of Council present.

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The Mayor reminded Council that the ordinance dealing with new Historic District provisions pertaining to demolition by neglect had been continued to the May 16 meeting of Council.

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Naco Road from Franklin Boulevard eastward to O'Ferrell Street. Mayor Holliday asked if anyone wished to be heard.

After brief remarks by C. Thomas Martin, Planning Department Director and there being no one present desiring to speak to this matter, Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

29-00 RESOLUTION CLOSING NACO ROAD – FROM FRANKLIN BOULEVARD EASTWARD TO O'FERRELL STREET

WHEREAS, the owners of all of the property abutting both sides of Naco Road requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, March 7th, 2000, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street shall be permanently closed and abandoned as a public street, said closing not to become effective until, (A) a preliminary plat has been approved, (B) the construction and utility plans for pavement, utility lines and drainage associated with the new street alignment have been approved, and (c) all proposed pipes beneath the new roadway and gravel base for the new roadway have been installed :

NACO ROAD – FROM FRANKLIN BOULEVARD EASTWARD TO O’FERRELL STREET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

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The following items were removed from the Consent Agenda: Councilmember Phillips removed Item #14, the Mayor removed Item #18, and Item #20 was removed at the request of the City Manager.

Moving to the items remaining on the Consent Agenda, the Mayor introduced the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$13,000 State and Federal Grant Fund Budget for funding of the Greater Greensboro Financial Crimes Task Force
- Ordinance amending in the amount of \$90,460 Bryan Park Enterprise Fund Budget for operation of the Bryan Park Grill

Mayor Holliday requested a motion to approve the ordinances, resolutions and motion listed on the Consent Agenda, as amended. Councilmember D. Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Perkins; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-43 ORDINANCE AMENDING STATE AND FEDERAL GRANT FUND BUDGET FOR FUNDING OF THE GREATER GREENSBORO FINANCIAL CRIMES TASK FORCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3550-01.4210	Overtime	\$5,887
220-3550-01.4510	FICA	133
220-3550-01.4520	Retirement	980
220-3550-01.5235	Small Tools & Equipment	4,000
220-3550-01.5520	Seminar/Training	<u>2,000</u>
TOTAL:		\$13,000

and, that this increase be financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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220-3550-01.7100

Federal Grant

\$13,000

(Signed) Donald R. Vaughan

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00-44 ORDINANCE AMENDING BRYAN PARK ENTERPRISE FUND BUDGET FOR OPERATION
OF THE BRYAN PARK GRILL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Bryan Park Enterprise Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-5053-02.4140	Roster Wages	\$40,460
531-5053-02.5271	Concessions-Purchase for Resale	25,000
531-5053-02.5271	Concessions- Beverage Sales	<u>25,000</u>
TOTAL:		\$90,460

And, that this increase be financed by increasing the following Bryan Park Enterprise Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-5053-02.7700	Concessions (Food/Non-Alcoholic)	\$45,230
531-5053-02.7710	Concessions (Alcoholic Bev. Sales)	<u>\$45,230</u>
TOTAL:		\$90,460

(Signed) Donald R. Vaughan

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30-00 RESOLUTION APPROVING TELECOMMUNICATIONS FRANCHISE AGREEMENT
BETWEEN THE CITY OF GREENSBORO AND ADELPHIA BUSINESS SOLUTIONS OF
NORTH CAROLINA, LP, D/B/A ADELPHIA BUSINESS SOLUTIONS

WHEREAS, in May, 1995, the City Council adopted a new Telecommunications Ordinance;

WHEREAS, Adelphia Business Solutions has applied for a franchise to provide
telecommunication and other services as legally allowed;

WHEREAS, such agreement which is presented herewith this day contains the terms and
conditions and the franchise fees to be paid to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:

That the proposed Telecommunications Franchise Agreement between the City of Greensboro and
Adelphia business Solutions, is hereby and in all respects approved and the Mayor and the City Clerk are
hereby authorized to execute said Agreement on behalf of the City with an executed original Agreement to
be placed on file with the City Clerk's Office.

(Signed) Donald R. Vaughan

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31-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-01 WITH THOMPSON-ARTHUR PAVING COMPANY, INC. FOR RESURFACING OF STREETS PROJECT

WHEREAS, after due notice, bids have been received for asphalt resurfacing of 123 city street segments improvements project;

WHEREAS, Thompson-Arthur Paving Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,771,179.37 as general contractor for Contract No. 2000-01, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Thompson-Arthur Paving Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 202-6001-01.5611.

(Signed) Donald R. Vaughan

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32-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-10 WITH LAUGHLIN-SUTTON CONSTRUCTION COMPANY FOR FLOOD IMPROVEMENTS AT NORTH BUFFALO WATER RECLAMATION FACILITY PROJECT

WHEREAS, after due notice, bids have been received for a project to protect North Buffalo Water Reclamation Facility from flood damage consisting of elevating the existing earthen dike with a concrete floodwall;

WHEREAS, Laughlin-Sutton, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$325,500.00 as general contractor for Contract No. 2000-10, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Laughlin-Sutton Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made 75% through the Hazard Mitigation Program and the remainder funded through bond proceeds provided from Water and Sewer Funds (501).

(Signed) Donald R. Vaughan

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33-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF DOROTHY L. SCHOOLFIELD; ROBERT MARK SCHOOLFIELD and wife, LYNNE M. SCHOOLFIELD; CHARLES A.

SCHOOLFIELD, III and wife, JUDY B. SCHOOLFIELD and DOROTHY DELAYNA
SCHOOLFIELD APPLE, IN CONNECTION WITH THE SIXTEENTH STREET EXTENSION
AT MCKNIGHT MILL ROAD PROJECT

WHEREAS, Dorothy L. Schoolfield, Robert Mark Schoolfield and wife Lynne M. Schoolfield, Charles A. Schoolfield, III and wife, Judy B. Schoolfield and Dorothy Delayna Schoolfield Apple are the owners of certain property located on 2012 McKnight Mill Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Sixteenth Street Extension at McKnight Mill Road Project;

WHEREAS, negotiations with the owners at the appraised value of \$4,842.06 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$4,842.06;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$4,842.06 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 401-6001-01.6012 CBR 001.

(Signed) Donald R. Vaughan

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34-00 RESOLUTION TERMINATING STREET ACCESS ACROSS THE RAILROAD AT BOSTON ROAD, RAIL STREET AND RUCKER STREET IN CONJUNCTION WITH THE NORWALK STREET EXTENSION AND THE TIE-IN OF RUCKER STREET TO PATTERSON STREET

WHEREAS, the City has been working with the State on the Norwalk Street Extension and the tie-in of Rucker Street to Patterson Street project;

WHEREAS, this project involves railroad crossing access at Boston Road, Rail Street and Rucker Street which will be closed upon completion of the Norwalk Extension from Boston Road to Patterson Street;

WHEREAS, the above mentioned crossings have experienced over the years numerous violations involving continued blocking of these crossings and an extensive list of violations by the Greensboro Police Department;

WHEREAS, the State has devised a plan for the Norwalk Street Extension which will have the least amount of impact on existing structures and serve the area as it is currently zoned;

WHEREAS, this project will be administered by the City with funding to be 80% from State and Federal Funds and 20% from the City which will be reimbursed by the State.

NOW, THEREFORE, BE IT RESOLVED, that the termination of railroad crossing access at Boston Road, Rail Street and Rucker Street is hereby authorized upon completion of the Norwalk Street Extension from Boston Road to Patterson Street.

(Signed) Donald R. Vaughan

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35-00 RESOLUTION AUTHORIZING AND APPROVING MUNICIPAL AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE CITY FOR NORWALK STREET EXTENSION PROJECT

WHEREAS, the City of Greensboro proposes to make certain street and highway improvements consisting of the construction of a connector road to connect Boston Road and Rail Street with NC 6 (Patterson Avenue), and a spur connector road between Rucker Street and NC 6 (Patterson Avenue), [Phase I], in order to eliminate the at-grade railroad crossings at Boston Road, Rail Street, and Rucker Street;

WHEREAS, the Department of Transportation and the City of Greensboro propose to enter into an Agreement for the construction of the aforementioned highway improvement whereby the City of Greensboro agrees to design the project, prepare the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction;

WHEREAS, the City of Greensboro shall, upon completion of the roadway connectors, authorize and close the highway/rail at-grade crossings on Boston Road, Rail Street, and Rucker Street;

WHEREAS, said agreement further provides for the Department of Transportation, subject to the completion of the connector roads and the closure of the three at-grade crossing, to reimburse the City of Greensboro eighty percent (80%) of the actual cost of the project, based on an estimated total project cost of \$1,335,000.

NOW, THEREFORE, BE IT RESOLVED, that said project in Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) Donald R. Vaughan

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36-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF HENRY H. ROBINSON and wife, DONNA T. ROBINSON (marital interest only), IN CONNECTION WITH THE ARDEN PLACE STORM SEWER PROJECT

WHEREAS, Henry H. Robinson and wife, Donna T. Robinson are the owners of certain property located on W. Market Street, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Arden Place Storm Sewer Project;

WHEREAS, negotiations with the owners at the appraised value of \$1,342.05 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said <portion of> property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$1,342.05;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$1,342.05 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 203-6503-02.5427.

(Signed) Donald R. Vaughan

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Mayor Holliday introduced a resolution authorizing the filing and execution, as appropriate, of Federal Transit Administration (FTA) and North Carolina Department of Transportation (NCDOT) grant applications, grant agreements, annual or biennial applications, annual budgets, and other such documents, as appropriate pursuant to relevant sections of the Federal Transit Administration Transportation Equity Act for the 21st Century (TEA 21), as amended, which had been removed from the Consent Agenda by Councilmember Phillips.

Councilmember Phillips stated that because there were items in the overall packet related to the multi-modal bus station, he would be consistent with questioning expenditures related to the center and vote against the resolution.

After brief discussion, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

37-00 RESOLUTION AUTHORIZING THE FILING AND EXECUTION, AS APPROPRIATE, OF FEDERAL TRANSIT ADMINISTRATION (FTA) AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) GRANT APPLICATIONS, GRANT AGREEMENTS, ANNUAL OR BIENNIAL APPLICATIONS, ANNUAL BUDGETS, AND OTHER SUCH DOCUMENTS, AS APPROPRIATE, PURSUANT TO RELEVANT SECTIONS OF THE FEDERAL TRANSIT ADMINISTRATION TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA 21), AS AMENDED.

WHEREAS, the Federal Transit Administration under the Transportation Equity Act for the 21st Century (TEA 21), provides Federal funds to support public transportation services;

WHEREAS, the North Carolina Department of Transportation will apply and receive grants from the U.S. Department of Transportation through the Federal Transit Administration; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for planning, operating and capital assistance projects in the provision of public transportation services; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the Federal Transit Act of 1991; and

WHEREAS, the contracts for financial assistance will impose certain obligations upon the City of Greensboro; including the provision of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation and the North Carolina Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the TEA 21, as amended, the City of Greensboro, as applicant, gives assurance that it will comply with Title IV of the Civil Rights Act of 1964

and other pertinent directives and the U.S. Department of Transportation and the North Carolina Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the City of Greensboro, as an applicant, that Disadvantaged Business Enterprises (DBEs) be utilized to the fullest extent possible in connection with the project, and that definitive procedures shall be established and administered by the City of Greensboro as applicant to ensure that DBEs shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant or other services; and

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b) Labor Protection requirements, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

1. That the City of Greensboro is authorized to file and execute FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, on behalf of the City of Greensboro with the North Carolina Department of Transportation and the Federal Transit Administration, to aid in the financing of public transportation services as described therein.
2. That the City of Greensboro is authorized to file and execute with such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, and any assurance or any other documents required by the FTA and NCDOT effectuating the purposes of such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
3. That the City of Greensboro is authorized to furnish such additional information as the Federal Transit Administration and the North Carolina Department of Transportation require in connection with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
4. That the City of Greensboro is authorized to set forth and execute Disadvantaged Business Enterprise (DBE) policies and procedures in connection with all procurement needs associated with such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.
5. That the City of Greensboro is authorized to execute grant agreements on behalf of the City of Greensboro with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing and effectuating of the purposes of such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.

(Signed) Sandy Carmany

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The Mayor introduced a resolution approving Telecommunications Franchise Agreement between the City of Greensboro and Level 3 Communications-First Reading, which had been removed from the Consent Agenda because citizens were present who wished to speak to this matter.

Mike Steinel, residing at 3401 Quaker Run Drive; and Greg Gentle, residing at 3403 Quaker Run Drive; spoke to contact with this company to discuss an alternate route; they expressed concern that the Level 3 Communications access/easement which would run through properties in that area could be used,

sold or leased for future purposes. The speakers stated they believed Greensboro could assist in addressing these citizens' concerns.

Council discussed personal concerns and opinions with respect to this matter.

The City Attorney advised that in considering the approval of the telecommunications franchise agreement, the Council should only consider whether Level 3 Communications had complied with required Federal regulations and if so, Council should approve this resolution; she further advised that, if necessary, Council could delay approval of the Second Reading. City Attorney Miles cautioned that the conflict about the use of an existing easement being discussed was a private matter between the citizens and the company, and the City should not be involved because this was not a City issue.

After further discussion and the suggestion that the citizens' attorney to contact the City Attorney to discuss the neighborhood concerns, Councilmember N. Vaughan moved that the resolution be continued to the April 4, 2000 meeting of Council. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

Jason Moilanen, residing in Denver, Colorado and attorney for Level 3 Communications, advised he was present to speak to the franchise agreement. He also stated it was his understanding that the citizens' concerns did not overlap with the City's interest and should not be a factor in the Council's consideration of the franchise. Councilmember D. Vaughan advised that the matter had been continued and suggested that Mr. Moilanen talk with the citizens' attorney.

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Councilmember Johnson left the Chamber at 10:00 p.m.

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Mayor Holliday introduced a resolution approving bid in the amount of \$98,500 and authorizing execution of Contract No. 00-000510 with Aneco, Inc. for the War Memorial Stadium Lighting which had been removed from the Consent Agenda.

The Manager briefly reviewed details about this lighting project which was within budget and should be completed in July, spoke to discussions about with representatives of the Greensboro Bats about the construction process, and noted the Bats' undertaking of a number of cosmetic enhancements to the facility. After brief discussion about a possible tour of the facility, the Mayor indicated he would try to arrange a visit for Council.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

38-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 00-000510 WITH ANECO, INC. FOR THE WAR MEMORIAL STADIUM LIGHTING PROJECT

WHEREAS, after due notice, bids have been received for the War Memorial Stadium lighting improvements project;

WHEREAS, Aneco, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$398,500.00 as general contractor for Contract No. 00-000510, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Aneco, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 101-2507-03.6013.

(Signed) Claudette Burroughs-White

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Councilmember Johnson re-entered the Chamber at 10:05 p.m.

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Mayor Holliday introduced an ordinance amending in the amount of \$125,000 the War Memorial Coliseum Complex Fund Budget of the City of Greensboro for Football Turf Field. He thereupon introduced a resolution approving capital fund expenditures from a portion of the seventy percent (70%) net proceeds of the occupancy tax received by the Greensboro/Guilford County Tourism Development Authority from the original Guilford County three percent (3%) room occupancy tax for certain Coliseum improvements.

After an explanation by the City Manager and brief discussion by Council, Councilmember Phillips moved adoption of the ordinance amending in the amount of \$125,000 the War Memorial Coliseum Complex Fund Budget of the City of Greensboro for Football Turf Field. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-45 ORDINANCE AMENDING FY 99-00 ANNUAL BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the War Memorial Coliseum Complex Fund Budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
521-7535-06.6059	Football Turf Field	\$125,000

And, that this increase be financed by increasing the following account:

<u>Account</u>	<u>Description</u>	<u>Account</u>
521-7535-06.8620	CVB Contribution	\$125,000

(Signed) Thomas M. Phillips

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Councilmember Carmany moved adoption of the resolution approving capital fund expenditures from a portion of the seventy percent (70%) net proceeds of the occupancy tax received by the Greensboro/Guilford County Tourism Development Authority from the original Guilford County three percent (3%) room occupancy tax for certain Coliseum improvements. The motion was seconded by

Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

39-00 RESOLUTION APPROVING CAPITAL FUND EXPENDITURES FROM A PORTION OF THE SEVENTY PERCENT (70%) NET PROCEEDS OF THE OCCUPANCY TAX RECEIVED BY THE GREENSBORO/GUILFORD COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE ORIGINAL GUILFORD COUNTY THREE PERCENT (3%) ROOM OCCUPANCY TAX FOR CERTAIN COLISEUM IMPROVEMENTS

WHEREAS, in 1989 the General Assembly amended an act permitting Guilford County to levy a three percent (3%) room occupancy and tourism development tax;

WHEREAS, after allocating \$170,000.00 for specific tourist-related events or activities, the remaining portion of twenty percent (20%) of the seventy percent (70%) net proceeds of the occupancy tax received by the Authority shall go to the City of Greensboro for convention and tourism capital improvements;

WHEREAS, in the opinion of the Greensboro City Council existing and future revenues, not to exceed \$125,000.00, in this capital fund should be expended for the following Coliseum improvements:

1. Purchase of 200x85 foot official turf for Arena Football 2 in the Greensboro Coliseum Complex, for play to begin April 2000 by the Greensboro Prowlers.
2. The Greensboro, North Carolina logo will be placed in one of the 4 (4x6 advertising templates) on the field.

WHEREAS, by law, the approval of such expenditures shall be a joint decision by the Greensboro City Council, the County Commissioners and the Greensboro/Guilford County Tourism Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO, THAT:

1. The Greensboro City Council hereby approves the expenditures of existing and future revenues, not to exceed \$125,000.00, from the above mentioned capital fund for the purpose of the above improvements to make the Coliseum adaptable to Arena Football 2 Turf requirements, subject to similar approval by the Guilford County Commissioners and the Greensboro/Guilford County Tourism Development Authority.

2. The City Manager is authorized to enter into a Memorandum of Understanding with the Greensboro/Guilford County Tourism Development Authority to implement the above mentioned improvements. All transactions pursuant to this resolution shall be undertaken in strict compliance with applicable laws and this approval is subject to applicable laws.

(Signed) Sandy Carmany

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The Mayor introduced an ordinance amending Chapter 27 of the Greensboro Code of Ordinances with respect to Stormwater Management.

Dwayne Suffern, residing at 102 Pinebrook Drive, stated that he believed his neighborhood should be at the forefront of the projects; he also expressed appreciation to Council for providing assistance to citizens who had residential drainage problems.

After commending City staff for their excellent work in responding to citizens' concerns, Councilmember N. Vaughan moved adoption of the ordinance. The motion was seconded by

Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-46 AMENDING CHAPTER 27

ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO
STORM WATER MANAGEMENT

Section 1. That Chapter 27 is hereby amended by adding subsection (e) to Section 27-10 to read as follows:

Sec. 27-10 Residential Drainage Assistance

- (e) Property owners of single family homes, townhouses and condominium properties may also request City Council adopt a resolution providing that certain stormwater improvement projects be funded entirely by the City. Projects will be qualified relative to availability of budgeted funds and the City shall determine the type of stormwater improvement solution to be applied. Project eligibility for 100% funding shall be determined, based on criteria which includes, but is not limited to (1) the degree drainage is contributing to a public safety and/or health hazard; (2) relative amount of public stormwater runoff being conveyed by drainage system; (3) anticipated negative environmental impacts (required mitigation); and (4) consistency with the approved stormwater master plan. Any additional costs beyond the scope of the immediate drainage problem shall be borne by the abutting property owners as provided in subsections (c) and (d) above.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon publication.

(Signed) Nancy Vaughan

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After the City Attorney stated that Council must adopt a resolution approving the first set of projects for implementation under the Public Stormwater Improvement Program, Councilmember N. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

40-00 RESOLUTION APPROVING FIRST SET OF PROJECTS FOR IMPLEMENTATION UNDER
THE PUBLIC STORMWATER IMPROVEMENT PROGRAM

WHEREAS, on 7 March 2000 the City Council approved the amendments to Chapter 27 of the Greensboro Code of Ordinances which provides that certain project be funded entirely by the City when drainage problems are the result of public runoff;

WHEREAS, six projects have been rated and prioritized for implementation based upon the following criteria:

1. public safety and/or public health hazard
2. relative amount of public runoff in the project area
3. project permitting and mitigation issues
4. consistency with City Master Plans
5. level of stormwater quantity-related benefits
6. level of stormwater quality-related benefits

7. level of benefits to public storm system maintenance programs;

WHEREAS, it is deemed in the best interest of the City to adopt the first set of six projects for implementation under the Stormwater Improvement Program, namely the following active projects:

1. Open channel stabilization at Battle Forest Village
2. Closed conduit improvements at Overbrook Drive
3. Closed conduit improvements at W. Woodlyn Way
4. Drainage tail ditch improvements at Azalea Drive
5. Closed conduit improvements at West Florida Street, and
6. Closed conduit improvements at Brook Pine Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the first set of projects for implementation under the Stormwater Improvement Program, as authorized by amendments to Chapter 27 of the Greensboro Code of Ordinances, and which is presented herewith this day, is hereby in all respects approved; and the City Manager is directed to place an official copy of the initial project list thereof in the office of the City Clerk.

(Signed) Nancy Vaughan

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The Mayor and some members of Council discussed various events, community issues and projects of interest to the Greensboro citizens.

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Councilmember Vaughan added the name of Harrison Turner to the boards and commissions data bank for consideration of future service on the War Memorial Commission.

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Councilmember Burroughs-White added the names of Varo C. Duffins and Nettie Coad to the boards and commissions data bank for consideration of future service in no specific area.

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Councilmember Phillips suggested that the City consider establishing a task force to focus on specific neighborhoods in an attempt to clean up and deal with all issues of concern at one time. Deputy City Manager Mona Edwards responded that the City's Neighborhood Service Delivery Team represented a cross-section of departments and used this type of approach to work with appropriate neighborhood representatives to investigate concerns and areas of need and then make recommendations that could be used to address these issues at the same time.

In response to Councilmember Phillips' request that information requested earlier and related to the operational cost of the Multi-modal bus station be provided, the City Manager advised he would provide that information. Councilmember Phillips also requested the Transportation Department staff investigate the feasibility of installing a four-way stop sign at McDowell and Wataugs Drives and a traffic signal at Regents Park Lane and Lawndale Drive.

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The Mayor advised that he and Councilmembers Carmany and Johnson would attend the National League of Cities meeting in Washington, DC, March 11-14.

Mayor Holliday added the name of Randy Cobb to the boards and commissions data bank for consideration of future service on the War Memorial Commission or in other areas.

The Mayor stated that he had asked Councilmember Perkins to serve as the alternate for the Transportation Advisory Committee should the other three members be unable to attend the meetings.

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The City Manager recognized Mitchell Johnson, the new Assistant City Manager, who was present in the Chamber.

The Manager advised the March 28 briefing included a number of items and would be lengthy.

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Councilmember Perkins moved that the City Council adjourn. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

THE CITY COUNCIL ADJOURNED AT 10:25 P.M.

JUANITA F. COOPER
CITY CLERK

KEITH A. HOLLIDAY
MAYOR
